



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

McNIE et al

Atty. Ref.: SCS-124-1146

Serial No. 10/565,152

TC/A.U.: 2874

Filed: January 19, 2006

Examiner: C. Smith

For: MONOLITHIC OPTICAL TRANSMITTER AND RECEIVER
APPARATUS INCORPORATING HOLLOW WAVEGUIDES

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July 13, 2007

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

DECLARATION OF IMPROPERLY NAMED CO-INVENTOR MCQUILLAN

I, James McQuillan, hereby declare as follows:

1. That, I was named as a co-inventor of the above application, i.e., U.S. Application Serial No. 10/565,152, which is a national phase entry of PCT/GB04/03192.
2. That, prior to the invention set forth in both the above and PCT applications, I provided suggestions to co-inventors Mark McNie and Richard Jenkins as to a general direction of research, which work when completed ultimately resulted in the claimed subject matter of both the PCT and the above-identified patent applications.
3. That, after Mark McNie and Richard Jenkins had invented the subject matter of the PCT and above-identified applications, I understand that they submitted an invention submission form to the assignee and identified me as a co-inventor apparently as a result of my suggestions as to the original general direction of the research.

4. That, it is my understanding that the assignee's UK patent attorney merely took the co-inventor's indication of inventive entity at face value and included my name as a co-inventor on the UK priority application and the subsequent PCT International application.

5. That, after filing of the GB and the PCT applications, I was asked to sign a declaration, in conjunction with Mark McNie and Richard Jenkins, as co-inventor of the United States national phase application identified above and I readily signed and dated this document for submission to the U.S. Patent and Trademark Office.

6. At the time of signing the declaration in November 2005, I was not aware of the distinctions of U.S. requirements for inventorship and assumed that my suggestion as to "general direction of research" qualified me as a co-inventor even though I did not contribute to any claimed invention set out in the above US patent application.

7. That, after receipt of the first Official Action in this application (mailed March 13, 2007) and particularly after a review of U.S. Publication 2005/0089262 with respect to inventors Jenkins and McNie, I was informed as to the requirement of an actual contribution to the invention set out in at least one of the claims in the above case. In this review, I concluded that I was not a co-inventor and should not have been named as a co-inventor of the present application, because, while I provided suggestions as to the general direction of research, I did not contribute as a co-inventor to any of the claims as to the invention contained in the present national phase application.

8. That, the error in naming me as a co-inventor in the above-identified national phase application occurred without deceptive intention on my part.

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9. That, I hereby declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date:

13th July, 2007

James McQuillan

James MCQUILLAN